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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Edward M. Baker d.b.a
Baker & Baker Livestock

Respondent

P&S Docket No.

07-0032

Decision by Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181-229) ("Act"), by a complaint filed by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act and the regulations promulgated thereunder. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, admits the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Edward M. Baker ("Respondent") is an individual doing business as Baker & Baker Livestock, whose business address is 17012 Sabillasville Rd., Sabillasville, Maryland 21780.
2. Respondent is, and at all times material to the complaint was:
 - a. Engaged in the business of buying and selling livestock in commerce for his own account or the account of others and buying livestock in commerce on a commission basis; and
 - b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on a commission basis.

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, the decision will be entered.

Order

Respondent Edward M. Baker, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

1. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented;
2. Failing to pay, when due, the full purchase price of livestock; and
3. Failing to pay the full purchase price of livestock.

Respondent shall keep records that fully and correctly disclosed all transactions involved in

his business, as required by section 401 of the Act (7 U.S.C. § 221), including load make-up and scale records, accounts payable invoices, sales journals and ledgers, purchase journals and ledgers, cash receipts and disbursements journals, general ledgers and journals, and the following bank records: bank statements, cancelled checks, deposit tickets, last reconciliation of each account, check stubs or a check register, and bank correspondence concerning returned checks.

Respondent Edward M. Baker shall be suspended as a registrant under the Act for 5 years. Provided, however, that upon application to the Packers and Stockyards Administration a supplemental order may be issued terminating the suspension after 250 days upon Respondent's demonstration of facts and circumstances warranting modification.

The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

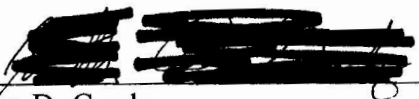
Issued in Washington D.C. this 16th day of March, 2007.



Administrative Law Judge



Edward M. Baker
Respondent



Jonathan D. Gordy
Attorney for Complainant